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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND

KELLY CAHILL, et al,

Plaintiffs,

v.

NIKE, INC., an Oregon Corporation,

Defendants.

3:18-cv-01477-JR

**ADVANCE LOCAL MEDIA LLC,
D/B/A OREGONIAN MEDIA
GROUP'S (THE OREGONIAN)
RESPONSE IN OPPOSITION TO
DEFENDANT NIKE, INC.'S (1)
ORAL ARGUMENT REQUEST; (2)
EMERGENCY MOTION FOR A
TEMPORARY ADMINISTRATIVE
STAY; (3) REQUEST FOR
DISCOVERY; AND (4) OBJECTION**

**REQUEST TO DENY NIKE'S REQUEST FOR ORAL ARGUMENT, TEMPORARY
ADMINISTRATIVE STAY, AND DISCOVERY**

The issues before the Court require an expeditious review to protect the Constitutional rights of The Oregonian, and thus, the public, because every second that the status quo remains in place it is causing additional irreparable harm in the form of an on-going First Amendment violation. *Elrod v. Burns*, 427 U.S. 347, 373, 96 S. Ct. 2673, 49 L. Ed. 2d 547 (1976).

This matter has been fully briefed and per the order of Magistrate Judge Russo is now under advisement by the Court. Nothing addressed in oral argument or learned through discovery will change the Constitutional analysis being considered by the Court. Discovery requests directed at The Oregonian is also clearly inappropriate because it would be seeking protected and privileged newsgathering information. Oral argument and other delays should therefore be denied as untimely and inappropriate.

Nike's request for a further administrative stay is inappropriate and unnecessary because The Oregonian previously agreed to maintain the status quo while the Magistrate Judge reconsiders the issue. The District Court ordered same. On January 29, 2024, The Oregonian filed an emergency order seeking to vacate Order 412, which required The Oregonian to return and destroy documents that it lawfully has in its possession, and to not disseminate their contents therein. See ECF 414. In its emergency motion to vacate, The Oregonian agreed in advance regarding the U.S. District Court for the District of Oregon's review to "preserv[e] the status quo and [] not disseminate the contents of the Documents until this Court makes a determination on the prior restraint issue." On January 30, 2024, the District Court granted The Oregonian's motion.

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The Oregonian respectfully requests that the Court deny Nike's request for oral argument, and its duplicative request for a temporary stay.

Dated this 15th day of February, 2024.

BARRAN LIEBMAN LLP

By s/ Edwin A. Harnden

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